

### REMARKS

Claims 1-35 are pending and stand rejected. Claims 1-27 and 32 have been canceled herein. Claims 28, 33 and 35 have been amended herein. New claims 36 and 37 have been added herein. No new matter has been added by these amendments. After the entry of the amendments submitted herein, claims 28-31 and 33-37 remain pending.

Claims 1-30 and 32 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,502,311 to Imai *et al.*

In response, claims 1-27 have been canceled without prejudice and claim 28 has been amended to incorporate the limitations of the dependent claim 32 and claim 32 has been canceled. To that extent, the Examiner's rejection of claims 29, 30 and 32 is traversed.

With respect to claim 32, as originally filed, the Examiner contends that Imai *et al.* discloses an optical level detector to adjust to surface of a reticle by way of a driving unit (22) to move the leveling stage (23) along the AX direction and, therefore, the height of the optical level detector is adjusted relative to the top of the reticle surface.

The applicant agrees that the driving unit (22) of Imai *et al.* moves the leveling state (23) along the AX direction, thus, adjusting the height of the optical level detector relative to the top of the reticle surface (W). However, this disclosure of Imai *et al.* does not anticipate the limitation of originally filed claim 32. Claim 32 requires that the "at least one optical level detector is mounted on the reticle stage by a set of connecting hardware that allows the height of the optical level detector to be adjusted to the reticle's top surface. The optical level detector of Imai *et al.* is not "mounted on the reticle stage" by the driving unit (22). The disclosure of Imai

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*et al.* does not teach or suggest that the optical level detector is “mounted on the reticle stage” by the driving unit (22). Since the limitation of originally filed claim 32 has been incorporated into amended claim 28, the disclosure of Imai *et al.* does not disclose every limitation of claim 28. Thus, Imai *et al.* does not anticipate the invention claimed in amended claim 28.

Accordingly, withdrawal of the rejection and allowance of claim 28 are respectfully requested.

Claims 29-31, 33 and 34 depend from independent claim 28, which is allowable over the Imai *et al.* Thus, withdrawal of the rejections and allowance of claims 29-31, 33 and 34 are respectfully requested.

Claim 33 has been amended to correct its dependency to claim 28 from claim 32 because claim 32 has been canceled.

Claim 35 is also rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,502,311 to Imai *et al.*

In response, claim 35 has been amended to incorporate the limitation of originally filed claim 32. As discussed in reference to the similar amendment made to claim 28, applicant believes that the limitation of the originally filed claim 32 is not disclosed in Imai *et al.* Thus, claim 35, as amended, is allowable over Imai *et al.*

Accordingly, withdrawal of the rejection and allowance of claim 35 are respectfully requested.


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New claims 36 and 37 depending from the allowable claim 35 have been added. Claims 36 and 37 contain limitations found in originally filed claims 33 and 34 and, thus, the subject matter of new claims 36 and 37 are fully supported by the originally filed specification and no new matter has been added.

Applicant believes that all outstanding issues have been addressed herein and the pending claims 28-31 and 33-37 are in condition for allowance.

No fee is believed required for submission of this communication. The Commissioner is hereby authorized to charge any additional fees required associated with this communication to Duane Morris LLP Deposit Account No. 50-2061.

Respectfully submitted,

  
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Enclosures  
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